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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,590	06/06/2002	Sami Uskela	088245-1487	9705
23524 7590 07/29/2010 FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497			EXAMINER GOLD, AVIM	
			ART UNIT 2457	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/049,590

**Applicant(s)**

USKELA ET AL.

**Examiner**

AVI GOLD

**Art Unit**

2457

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_
- 7) ☐ Paper No(s)/Mail Date 3/31/10

### **DETAILED ACTION**

This action is responsive to the amendment filed on March 31, 2010. Claims 1-4, 6-13, 15-18, 20-28, 30, 31, 35, and 39-42 were canceled. Claims 43-78 were added. Claims 43-78 are pending.

### ***Response to Amendment***

#### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: An article of manufacture including a computer readable medium in claims 73-78 is not found in the specification.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 73-78 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 73 is an article of manufacture including a computer readable medium. This medium is not disclosed in the specification and as such it can include non statutory subject matter. As such, the claim is not limited to non-transitory, statutory subject matter and is therefore non-statutory.

Claims 74-78 are rejected as being dependent upon the rejection of claim 73 as they also fail to cure deficiencies noted in these claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. 43 and 46-78 are rejected under 35 U.S.C. 102(e) as being anticipated by Satran et al., U.S. Patent No. 6,430,183.

Regarding claim 43, Satran teaches a method comprising:

receiving a multicast data packet at a routing unit of a communication system, wherein, the multicast data packet includes a multicast address associated with a multicast group (col. 3, lines 31-39, col. 4, lines 48-60, Satran discloses data transmitted from a host computer and that the data transmitted is part of a multicast);

identifying receiver addresses associated with the multicast address (col. 4, lines 48-60, Satran discloses address fields of the packets);

identifying one or more parameters associated with at least one of the receiver addresses (col. 4, lines 48-60, col. 5, lines 15-43, Satran discloses address templates for filtering and receiver specific parameters);

filtering the multicast data packet based on the one or more parameters to generate a filtered data packet (col. 5, lines 16-35, Satran discloses filtering done with a receiver specific parameter); and

transmitting the filtered data packet to the at least one of the receiver addresses (col. 5, lines 33-35, Satran discloses a filtered data block received at an address).

Regarding claim 46, Satran teaches the method of claim 43, wherein the one or more parameters are dependent on one or more conditions of a receiver associated with the at least one of the receiver addresses (col. 4, lines 48-60, col. 5, lines 15-43).

Regarding claim 47, Satran teaches the method of claim 43, wherein at least one of the one or more parameters identifies a type of content that is not to be sent to the at least one of the receiver addresses, and wherein the type of content is removed from the multicast data packet to generate the filtered data packet (col. 4, lines 48-60).

Regarding claim 48, Satran teaches the method of claim 43, wherein at least one of the one or more parameters identifies a data size limit that can be sent to the at least one of the receiver addresses (col. 7, lines 58-66).

Regarding claim 49, Satran teaches the method of claim 43, wherein at least one of the one or more parameters identifies a time at which data packets are not to be sent to the at least one of the receiver addresses (col. 7, lines 58-66).

Regarding claim 50, Satran teaches the method of claim 43, further comprising filtering the receiver addresses associated with the multicast address to identify one or more receiver addresses that are not to receive the multicast data packet (col. 7, lines 58-66).

Regarding claim 51, Satran teaches the method of claim 50, wherein the filtering of the receiver addresses is based at least in part on the one or more parameters, and wherein the one or more parameters are associated with at least the one or more receiver addresses that are not to receive the multicast data packet (col. 7, lines 58-66).

Regarding claim 52, Satran teaches the method of claim 43, wherein at least one of the one or more parameters comprises an instruction to not send an advertisement to the at least one receiver address (col. 5, lines 15-59).

Regarding claim 53, Satran teaches the method of claim 43, wherein at least one of the one or more parameters comprises an instruction to not send an image to the at least one receiver address (col. 5, lines 15-59).

Regarding claim 54, Satran teaches the method of claim 43, wherein at least one of the one or more parameters is based in part on whether a receiver associated with the at least one receiver address is roaming (col. 5, lines 15-59).

Regarding claim 55, Satran teaches the method of claim 43, wherein at least one of the one or more parameters is based in part on a characteristic of a display of a receiver associated with the at least one receiver address (col. 5, lines 15-59).

Regarding claim 56, Satran teaches the method of claim 55, wherein the characteristic of the display comprises at least one of a size of the display, a color attribute of the display, or a graphical attribute of the display (col. 5, lines 15-59).

Regarding claim 57, Satran teaches the method of claim 43, wherein at least one of the one or more parameters is based in part on an available bandwidth of a receiver associated with the at least one receiver address (col. 5, lines 15-59).

Regarding claim 58, Satran teaches the method of claim 43, wherein at least one of the one or more parameters is based in part on an availability of a receiver associated with the at least one receiver address (col. 5, lines 15-59).

Claims 59-78 do not teach or define any new limitations above claims 43-58 and therefore are rejected for similar reasons.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satran further in view of Stapleton et al., U.S. Patent No. 6,175,875.

As to claim 44, Satran teaches the method of claim 43.

Satran does not explicitly teach maintaining a table that associates the receiver addresses with the multicast address, wherein the table is stored at a control unit.

However, Stapleton teaches a table that stores multicast communication addresses (col. 7, lines 4-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Satran in view of Stapleton to maintain a table that associates the receiver addresses with the multicast address, wherein the table is stored at a control unit. One would be motivated to do so because a table is an efficient and convenient way to store information.

7. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satran, further in view of Lee et al., U.S. Patent No. 6,490,285.



As to claim 45, Satran teaches the method of claim 43.

Satran does not explicitly teach maintaining a table that associates the one or more parameters with the at least one of the receiver addresses.

However, Lee teaches searching tables based on a multicast address to determine parameters of receivers/clients (col. 6, lines 40-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Satran in view of Lee to maintain a table that associates the one or more parameters with the at least one of the receiver addresses. One would be motivated to do so because a table is an efficient and convenient way to store information.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 43-78 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,055,364 to Speakman et al., because it discloses content-based filtering of multicast information.

U.S. Pat. No. 5,933,605 to Kawano et al., because it discloses multicast messages filtered based on message content.

U.S. Pat. No. 6,175,875 to Stapleton et al., because it discloses multicast filtering.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AVI GOLD whose telephone number is (571)272-4002. The examiner can normally be reached on M-F 8:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner, Art Unit 2457

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2457